

1 BILL NO. R-87-04-24

2 RESOLUTION NO. R-23-87

3 A RESOLUTION of the Common Council
4 of the City of Fort Wayne, Indiana,
5 authorizing the City's donation of
6 property to the Fort Wayne Fine Arts
7 Foundation, Inc.

8 WHEREAS, the City owns certain property located within
9 the City of Fort Wayne, Indiana, commonly referred to as the
10 "Canal House"; and

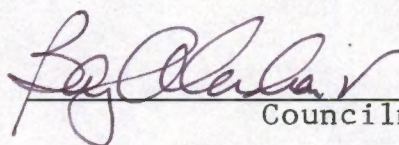
11 WHEREAS, the City is desirous of granting, conveying
12 and donating unto the Fort Wayne Fine Arts Foundation, Inc., such
13 real estate and improvements thereon, for use by the Fort Wayne
14 Fine Arts Foundation, Inc. and/or its member and affiliate organi-
15 zations, for those charitable purposes for which such organiza-
16 tions were formed to and for the benefit of the residents of this
17 community.

18 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL
19 OF THE CITY OF FORT WAYNE, INDIANA:

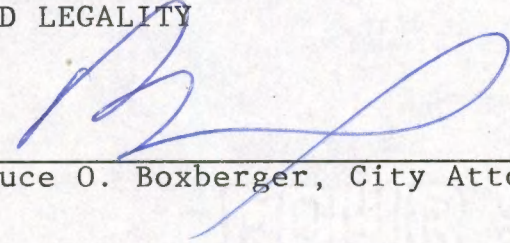
20 SECTION 1. That the conveyance of the City's property
21 noted on the attached Deed, marked Exhibit "A", is hereby ratified,
22 confirmed and approved in all respects and in accordance with the
23 terms of such Deed.

24 SECTION 2. That the Mayor and the Members of the Board
25 of Public Works and Safety are empowered and authorized to execute
26 such Deed and all of the documents necessary to convey such pro-
27 perty to the Fort Wayne Fine Arts Foundation, Inc.

28 SECTION 3. That this Resolution shall be in full force
29 and effect from and after its passage and any and all necessary
30 approval by the Mayor.

31 
32 Councilmember

33 APPROVED AS TO FORM
34 AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by _____ seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____ seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	_____	_____	<u>1</u>	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	<u>✓</u>	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-26-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 9-33-87 on the 26th day of May, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. Giaquinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of May, 1987, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of May, 1987, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

EXHIBIT "A"

THIS FORM HAS BEEN APPROVED BY THE INDIANA STATE BAR ASSOCIATION FOR USE BY LAWYERS ONLY. THE SELECTION OF A FORM OF INSTRUMENT, FILLING IN BLANK SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES, CONSTITUTES THE PRACTICE OF LAW AND MAY ONLY BE DONE BY A LAWYER.

Mail tax bills to:

LIMITED

Tax Key No.: _____

WARRANTY DEED

This indenture witnesseth that the CITY OF FORT WAYNE, INDIANA, by and through its BOARD OF PUBLIC WORKS AND SAFETY,

of Allen County in the State of Indiana,

Conveys and warrants to the FORT WAYNE FINE ARTS FOUNDATION, INC.,

of Allen County in the State of Indiana, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration the receipt whereof is hereby acknowledged, the following Real Estate in Allen County in the State of Indiana, to wit:

N. 21.6 of E 20 & S 30.7 of N. 52.3 of E. 2' of Lot #21, original plat;

N 52.3 of W 26.1 of Lot #22, original plat;

(See attached Exhibit "A")

State of Indiana, Allen County, ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of May 1987 personally appeared: Win Moses, Jr., Mayor of the City of Fort Wayne, Indiana, Baron R. Biedenweg, Director of Public Works, Cosette R. Simon, Director of Administration and Finance, and Lawrence D. Consalvos, Director of Public Safety,

Dated this 20th Day of May 1987

Win Moses, Jr., Mayor

Seal

Baron R. Biedenweg, Director of Public Works

Seal

Cosette R. Simon, Director of Administration & Finance

Seal

Lawrence D. Consalvos, Director of Public Safety

Seal

Seal

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires 2-8 1988

DIANE K GLADIEUX

NOTARY PUBLIC STATE OF INDIANA
ALLEN CO.

MY COMMISSION EXPIRES FEB 8, 1988
ISSUED THRU INDIANA NOTARY ASSOC.

Resident of Allen County.

Diane K. Gladieux
Notary Public

Seal

This instrument prepared by

Bruce O. Boxberger

Attorney at Law

Exhibit "A"

The conveyance herein made is subject to all taxes, assessments, limitations, mortgages, encumbrances and restrictions of record. Furthermore, the Grantor does hereby grant the within described real estate without the making of any warranties of title or otherwise, with the exception that the Grantor does convey unto the Grantee all of the Grantor's right, title and interest in the real estate.

The conveyance herein made, is subject to perpetual rights of reversion in favor of the Grantor, it being understood and agreed that in the event the Grantee and/or its member organizations do not occupy a substantial portion of the premises for those charitable purposes that such organizations were created, then in such event, the real estate and all improvements thereon shall pass and will revert to the City of Fort Wayne, Indiana, without further claim or interest on behalf of the Grantee or any other party. Furthermore, the Grantee shall not permit any organization other than an affiliate or member organization of the Grantee, to occupy or use the premises without first obtaining from the Grantor its written consent as so given by the Grantor's Board of Public Works and Safety. The decision to grant consent shall be solely that of the Grantor. In the event the Grantee violates the restrictions as herein contained, the property and all improvements thereon shall pass to the City of Fort Wayne, Indiana. It is specifically understood and agreed that the reversionary rights and the restrictions herein contained shall be binding and applicable upon the Grantee and its successors and assigns and that same shall be treated as covenants running with the property herein conveyed.

RESOLUTIONS OF THE BOARD OF PUBLIC WORKS AND SAFETY
OF THE CITY OF FORT WAYNE, INDIANA

COMES NOW, the Board of Public Works and Safety of the City of Fort Wayne, Indiana, and does hereby pass the following Resolutions, to-wit:

WHEREAS, the City of Fort Wayne, Indiana, owns certain property located within the City of Fort Wayne, Indiana, commonly referred to as the "Canal House" and legally described as follows:

N 21.6 of E 20 and S 30.7 of N 52.3
of E 2' of Lot #21, original plat;

N 52.3 of W 26.1 of Lot #22, original
plat.

WHEREAS, the City is desirous of granting, conveying and donating unto the Fort Wayne Fine Arts Foundation, Inc., such real estate and improvements thereon, for use by the Fort Wayne Fine Arts Foundation, Inc. and/or its member and affiliate organizations, for those charitable purposes for which such organizations were formed to and for the benefit of the residents of this community.

NOW, THEREFORE, BE IT RESOLVED THAT, complete authority and approval is hereby given for the City of Fort Wayne, Indiana, to grant, convey and donate unto the Fort Wayne Fine Arts Foundation, Inc., the real estate and improvements thereon as owned by the City and subject to those terms and conditions as referenced on the attached Deed, marked Exhibit "A" and made a part hereof;

BE IF FURTHER RESOLVED THAT, the Board Members and the Mayor, are empowered and authorized to execute the attached Deed conveying such property to the Fort Wayne Fine Arts Foundation, Inc.

IN WITNESS WHEREOF, these Resolutions have been passed this
20th day of May, 1987.

BOARD OF PUBLIC WORKS AND SAFETY
OF THE CITY OF FORT WAYNE, INDIANA

BY: 

Baron R. Biedenweg, Director of
Public Works

BY: 

Cosette R. Simon, Director of
Administration & Finance

BY: 

Lawrence D. Consalvos, Director
of Public Safety

ATTEST:

BY: 

Helen V. Gochenour, Clerk

BILL NO. R-87-04-24

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS
REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) of the Common Council
of the City of Fort Wayne, Indiana, authorizing the City's
donation of property to the Fort Wayne Fine Arts Foundation, Inc.

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ~~(ORDINANCE)~~
(RESOLUTION)

YES

NO

BEN A. EISBART
CHAIRMAN

JAMES S. STIER
VICE CHAIRMAN

CHARLES B. REDD

DONALD J. SCHMIDT

SAMUEL J. TALARICO

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK